HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 562 of 1998

Dated 11th July, 2007

Between

B.Venkatramaiah and ors

…Petitioners

and

The Special Commissioner, Land Revenue,
Government of AP, Hyderabad, and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 562 of 1998

ORDER:

This Writ Petition is filed challenging the order dated 23-6-1997 in proceedings No. BCW-3/12/94 passed by the first respondent-Special Commissioner, Land Revenue, Andhra Pradesh, Hyderabad.

An extent of five acres of land in Sy.No. 1569/2A situated in Dommandlapalle village, Puthalapet Mandal in Chittoor District was assigned in the name of the late father of the petitioners, namely, Sri B.Venkataswamy, on 31-10-1967. It is stated that DKT patta No. 147-4-77 was also issued by the then Tahsildar, Chittoor. But however, the said land was sub divided and it has come to an extent of Ac.4.16 cents. Though assignment was made in the year 1967, respondents 4 and 5 questioned the assignment of the said land made in favour of the

petitioners by filing appeal before the Revenue Divisional Officer, Chittoor and the said appeal was allowed by order dated 12-11-1992 cancelling the assignment of land in favour of the father of the petitioners. As against the said order, the petitioners preferred revision before the Joint Collector, who by his order dated 30-9-1993 allowed the revision and remanded the matter for de novo enquiry. As against the said order of the Joint Collector, Respondents 4 and 5 had preferred further revision before the first respondent-Special Commissioner, Land Revenue, who by his order dated 23-6-1992 allowed the revision.

It is the case of the petitioners that the revision was posted for hearing on 30-9-1994 and thereafter, in view of the representation of the petitioners for adjournment, it was posted to 17-2-1995. It is the further case of the petitioners that the impugned order came to be passed on 22-1-1997 without any prior notice and opportunity neither to the petitioners nor his counsel.

Counter affidavit is filed on behalf of the respondents. While generally denying the allegations of the petitioners, it is admitted that the matter was posted for hearing on 22-1-1997 and notice to that effect could not be served on the petitioners as the door was found locked.

Normally the procedure for sending notice is by registered post acknowledgment due. In any event, the petitioners were represented by the Counsel and the first respondent-revisional authority ought to have given further opportunity by sending fresh notice. As it is the case of the petitioners that they were originally assigned the land in the year 1967 and impugned order is passed without hearing them, I deem it a

fit case where the petitioners should be given further opportunity before disposal of the revision petition. Though it is submitted by the learned Counsel for the respondents 5 and 6 that there was appearance by the learned counsel in the revision petition filed by the respondents 4 and 5, but, however, as much as notice of hearing for 22-1-1997 is not served on the petitioners and their counsel, I deem it a fit case to set aside the order dated 23-6-1997 in proceedings No. BCW-3/12/94 passed by the first respondent- Special Commissioner, Land Revenue, Andhra Pradesh and remand the matter with a direction to the said authority to dispose of the revision afresh by issuing notice of hearing to the petitioners, respondents 5 and 6 and their counsel on record.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE:10-7-2007.
Msnr.